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SUBJECT: NOT SO INSTANT REPLAYS - THREE BY-ELECTIONS TO
REPLACE APRIL 2003 RESULTS THROWN OUT BY THE COURTS

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INTERNET OR INTRANET.

1. Summary: Six months after Nigeria's April/May elections for President/VP, National Assembly, Governors and State Assemblies, three races will be re-run on December 20 by order of election tribunals or the Court of Appeals. A recent State Assembly by-election caused by death of an office holder does not bode well for the three re-runs; the ruling PDP reportedly won with more votes than were cast for all candidates in a very close election in May. Even if the other three replays are conducted with fewer faults than they had in April, the faulty April/May elections issue will not go away. End Summary.

MALUMFASHI - KATSINA STATE

2. Malumfashi is a Local Government Area (LGA) in the southern part of northern Nigeria's Katsina State, and the by-election for a State Assembly seat on November 29 was to replace the first winner who died in an automobile accident earlier this year. The ruling PDP won the by-election in a landslide, receiving approximately 74,000 votes. During the first election on May 3, however, the PDP won with 53 percent of the vote when it received only 35,000 votes out of some 67,000 votes cast, i.e. the PDP this time more than doubled its votes to more than were cast for all candidates in May, while the ANPP this time only received around a fifth of what it received in May. The Nigerian media has reported numerous complaints by the opposition ANPP regarding the election, including PDP thugs barring access to voting sites and physically assaulting ANPP agents, and the closing of some polling stations after just 30 minutes. The PDP's official response to these allegations was that the ANPP were just poor losers.

BORNO NORTH

3. One of the highlights of the December 20 by-elections will be for the Borno North Senate seat in the National Assembly, one of only three Senate elections overturned by election tribunals so far. On April 12, PDP Senator Sanusi Daggash was declared a winner over ANPP candidate Fati Bulama with a victory margin of 118 votes. Bulama filed with the state election tribunal, alleging numerous electoral malpractices. In July, the tribunal ruled in favor of Bulama. Daggash then filed suit with the Appeals Court, alleging that candidate Bulama had previously been indicted for fraud and was ineligible to run for office. The Appeals Court ruled in November that Bulama was ineligible, that Daggash's election was tainted by massive irregularities in the voting, and that there be a by-election without Bulama as a candidate. As Daggash had originally been declared the winner in April, he was sworn in as a Senator in May and served in this capacity until December 10, when the Senate's PDP leadership intervened to order Daggash to vacate his seat and prepare for the election.

ABUJA

4. Abuja's only Senate seat in the National Assembly was also overturned by an election tribunal after incumbent PDP Senator Isa Maina was originally declared the winner in April. The election tribunal ruled in favor of ANPP candidate Ireti Kingibe that several wards were not counted in the announced vote. Maina, who also was sworn in as Senator in May and maintained the seat until told to vacate on December 10, filed with the Court of Appeals. The Court refused to overturn the first tribunal's decision and scheduled a re-run in the disputed wards for December 20. Only PDP and ANPP will be on the ballot, as the court ruled that all the other parties received too few votes in the un-contested wards for the contested wards to make a difference. The Independent National Electoral Commission

(INEC) has announced that it will not use "ad-hoc staff," locals hired on the spot to administer an election, due to the complaints that they usually tended to be the staff of political parties and kingpins seeking to use their INEC positions to influence the election.

KADUNA

15. In an upcoming by-election in Zaria in Kaduna State, also scheduled for December 20, the Appeals Court disqualified the ANPP candidate who was originally declared the winner. INEC has interpreted the ruling to mean that no candidate from the ANPP should be allowed to contest the by-election. After protests from the party, INEC announced that the ANPP must get an official clarification from the Appeals Court regarding the language of its ruling before they will be allowed to contest. To date, the Appeals Court has not done so.

COMMENT

16. The GON announced that more than half of all the positions elected in April/May were contested at the tribunals. More than 85 percent of the suits were thrown out by the tribunals for technical reasons, such as a typo in the address of the lawyer for one side. Six months later, this handful that survived processing by the courts will renew interest in the problems of the April/May elections instead of putting those issues to bed -- even if the three by-elections are conducted in an exemplary manner.
MEECE